

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HERBERT L. CAMPBELL,)	4:13CV3102
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
FRED BRITTEN, et al,)	
)	
Respondent.)	

This matter is before me as Supervising Pro Se Judge. The clerk's office received a letter dated May 14, 2013, from the Clerk of the Eighth Circuit Court of Appeals. (*See* Filing No. [1](#) at CM/ECF p. 3.) Enclosed in the letter were documents that Herbert Campbell attempted to file in the Eighth Circuit Court of Appeals, which were forwarded to this court by the Clerk for filing. I reviewed the documents and determined that Mr. Campbell was challenging a state court judgment entered against him. Accordingly, I directed the clerk's office to file the documents as a Petition for Writ of Habeas Corpus, which resulted in the opening of this case. I directed the clerk's office to file the Petition as of April 19, 2013, which was the date it was received by the Eighth Circuit Court of Appeals.

The court received a letter and numerous attachments from Mr. Campbell on May 24, 2013. (*See* Filing No. [3](#).) In Mr. Campbell's letter, he explained that he intended for the documents he sent to the Eighth Circuit Court of Appeals to serve as a notice of appeal of an Order and Judgment entered against him in this court in Case Number 4:12CV3257. In other words, he did not intend to file a new petition for writ of habeas corpus. (*See* [id.](#) at CM/ECF pp. 1-2.) In light of this clarification offered by Mr. Campbell,

IT IS THEREFORE ORDERED that:

1. The clerk's office is directed to file the materials found at Filing Number 1 as a notice of appeal in 4:12CV3257, as of the date they were received by the Eighth Circuit Court of Appeals, which was April 19, 2013. The docket text should reflect that this action was taken per my direction pursuant to this Memorandum and Order.

2. The clerk's office is further directed to file in Case Number 4:12CV3257 the documents Mr. Campbell submitted with his May 24, 2013, letter. These are an Affidavit of Poverty (Filing No. [3-1](#)), a Motion for Appointment of Counsel (Filing No. [3-2](#)), a Motion to Proceed IFP (Filing No. [3-3](#)), and a "Praecipe fo Bill of Exceptions and Transcript" (Filing No. [3-4](#)).

3. Finally, the clerk's office is directed to administratively close this case, 4:13CV3102.

4. To avoid delay and confusion in the future, Mr. Campbell is directed to ensure that all materials sent to the court indicate in which case they should be filed, and clearly set forth the relief he seeks.

DATED this 3rd day of June, 2013.

BY THE COURT:

Richard G. Kopf

Supervising Pro Se Judge

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